



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

March 25, 2004

Tom and Sherry Fox
P.O. Box 311
Ethel, Washington 98542

Dear Mr. and Mrs. Fox:

Enclosed is Permit 1439 issued to Tree Management Plus, Inc., under the authority of Section 10(a)(1)(B) of the Endangered Species Act (ESA). Permit 1439 authorizes incidental take of threatened Lower Columbia River steelhead associated with its timber harvest operations in Lewis County, Washington state.

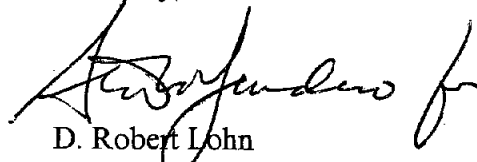
NOAA's National Marine Fisheries Service (NOAA Fisheries) has determined that if management activities are conducted as described in the Tagshinney Tree Farm Conservation Plan (Plan) and in compliance with the terms and conditions of the Plan and the permit, the expected take will be appropriately minimized and mitigated for and will not appreciably reduce the likelihood of survival or recovery of the Lower Columbia River steelhead.

The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the Plan. The term of this permit is for the duration of the Plan and expires March 15, 2004.

As per the terms of the unlisted species provisions of the Plan, should any additional anadromous salmonid species that were unlisted at the time of finalization of the Plan become listed under the ESA, the new species will be added to this permit according to provisions in section XI of the Plan.

If you do not comply with the terms and conditions of the permit, or if you cannot provide adequate funding for the Plan, the incidental take of Lower Columbia steelhead is not authorized. If you have any questions concerning the permit, please contact Steven W. Landino, Washington State Director for Habitat Conservation, at (360) 753-6054.

Sincerely,


D. Robert Lohn
Regional Administrator

Enclosure



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bc: Tagshinney HCP Files
WSHO - Landino
WSHO - Longenbaugh

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
PERMIT FOR INCIDENTAL TAKE OF ENDANGERED/THREATENED SPECIES

Permit Number: 1439

Expiration Date: March 15, 2084

Permit Holder(s):

Tree Management Plus, Inc.
P.O. Box 311
Ethel, WA 98542

Tom and Sherry Fox
P.O. Box 311
Ethel, WA 98542

Gary Davis
16001 Meadow Road
Kirkland, WA 98037

Jim and Patricia Murphy
246 Brockway Road
Chehalis, WA 98532

Principal Officer(s) and Contact:

Tom and Sherry Fox
P.O. Box 311
Ethel, WA 98542
Phone: 360-978-4305
Fax: 360-978-5747

Reporting Requirements: As described in section VII(B) of the final Tagshinney Tree Farm Conservation Plan (Plan), dated September 2003.

Authorization:

The Tagshinney Tree Farm, comprised of Tree Management Plus, Inc. and the individual permit holders listed above ("permittees"), together with its authorized officers, employees, contractors, and agents, is hereby authorized to incidentally take individuals of the Lower Columbia River

(LCR) steelhead Evolutionarily Significant Unit (ESU), a threatened species, and LCR coho salmon, currently unlisted, in connection with its land and forest management activities in western Washington, subject to the provisions of the Tagshinney Tree Farm Conservation Plan (Plan), section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. § 1539), the National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR sections 222.301- 222.308), and the conditions hereinafter set forth. The period of the Permit is 80 years.

Abstract:

The Tagshinney Tree Farm is comprised of five separate parcels totaling 144 acres within the Cowlitz River basin in Lewis County, Washington. The Permit area is defined to be those areas affected by the conduct of forest management activities within one site-potential-tree-height, approximately 175 feet, of two parcels: (1) a seasonal stream, tributary to Skook Creek (Lacamas HUC 170800050304) on the Kinzie Road parcel (67 acres total in three tracts), and (2) a permanent 200 foot wide shoreline management zone on Mayfield Lake proximal to and part of the Highway 12 parcel (15 acres). These two parcels are generally described in section III(D) of the Plan. Legal descriptions, maps, and aerial photos are provided in Appendix A of the Plan.

This Permit covers activities required to implement the suite of measures, prescriptions, and other operations described in the Plan that occur at two locations within the middle and lower Cowlitz River, and the headwaters of Skook Creek, a tributary thereto. The activities covered by this Permit involve regeneration harvest, thinning, planting and other forest stand management operations that commonly occur on other privately-owned forest lands in western Washington. These activities are more specifically described in the final Plan (September 2003; pages 7-8). No coverage is provided for take that may result from the use or presence of common forest chemicals including but not limited to fertilizers, herbicides and pesticides. Covered activities are categorically the same as those originally described in the Public Review Draft Plan (March 2003). The analysis of covered activities and findings for permit issuance are provided in a Biological Opinion and Findings signed by NMFS August 7, 2003 (NMFS Tracking No.: 2003/00433; on file at the Washington State Habitat Office, Lacey, Washington).

The Plan applies prescriptions to protect and restore aquatic and riparian habitats and to minimize and mitigate take associated with forest management activities in the Skook Creek watershed and near the shore of Mayfield Lake. Forest management is focused on the maintenance and development of riparian forest functions primarily through limitations on the annual harvest acreage, extended harvest rotations from 50 to 80 years, and a forest management approach that recognizes the functional requirements of the aquatic systems that may be affected. The Plan also limits harvest and other activities within wetland areas and on unstable slopes and prescribes best management practices for road use and maintenance that will benefit water quality and habitats for covered species. Conservation measures and enhancement actions for covered species are described in detail in section V of the Plan.

The Plan supporting the issuance of this Permit incorporates procedures and elements that serve as an agreement for Plan implementation. The Plan has been evaluated by NMFS and found to meet requirements for a Low-effect Habitat Conservation Plan.

Incidental Take

The covered activities that may cause incidental take of LCR steelhead and LCR coho salmon will be conducted on the covered lands and waters of the Kinzie Road and Highway 12 parcels described in section III and Appendix A of the Plan. The covered activities will be conducted on the permittee's property located in Lewis County in the State of Washington, of which parcels encompass approximately 67 and 15 acres, respectively.

The NMFS anticipates that a small but undetermined number of LCR steelhead and LCR coho salmon may be taken as a result of covered activities over the 80-year life of the permit. The incidental take of these species is expected to be in the form of harm.

Conditions:

1. The provisions of this Permit may be amended as provided in section XI of the Plan.
2. Transferability of the Permit shall be governed by NMFS regulations in force at the time of a desired transfer. The permittee may transfer or assign this permit to any other person(s), as person is defined in section 3(12) of the ESA, only as allowed under NMFS regulations applicable at the time of transfer or assignment, currently found at 50 CFR section 333.305.
3. This Permit does not authorize the permittee or any other person to take ESA-listed species in the territorial waters of another country without the consent of that country. The permittee is responsible for securing consent from that country and complying with that country's appropriate laws.
4. A copy of this Permit, including the accompanying Plan, must be available to Tagshinney Tree Farm personnel at the permittee's office in Ethel, Washington (or if the permittee moves the operation center to a different location, at the relocated center of operations). All applicable provisions of this Permit must be presented and clearly explained to all authorized officers, employees, contractors, or agents of the permittee conducting covered activities in the plan area.
5. The permittees, in effecting the take authorized by this Permit, are considered to have accepted the terms and conditions of this Permit and to be prepared to comply with the provisions of this Permit, the applicable regulations, and the ESA.
6. Upon request by NMFS, the permittee(s) must allow NMFS staff to enter upon and inspect the plan area.

7. The permittee is responsible for the activities of any individual who is operating under the authority of this Permit. Such activities include capturing, handling, releasing, transporting, maintaining, and caring for any fish authorized to be taken by this Permit.

8. The Permit takes effect for threatened LCR steelhead that may be present on the Kinzie Road parcel and in Mayfield Lake, proximal to the Highway 12 parcel, on the date of issuance. For unlisted LCR coho salmon, the Permit will take effect upon the listing of such species as endangered, or if such species is listed as threatened, upon the effective date of a rule under section 4(d) of the ESA prohibiting take of such species.

9. Upon locating any dead, injured, or sick individuals of any listed species covered by this permit, the permittee shall, within three working days, notify NMFS' Washington State Habitat Branch Office, Lacey, Washington (360-753-9530). Instructions for proper handling and disposition of such specimens will be issued at that time. Care must be taken in handling sick or injured specimens to ensure effective treatment and care, and in the handling of dead specimens to preserve biological material in the best possible state. This condition does not apply to spawned-out carcasses.

10. The fee in 50 CFR section 222.307(d)(5) to cover the cost of issuance of this permit has been waived.

Issued by : D. Robert Lohn
D. Robert Lohn
Regional Administrator,
NOAA's National Marine Fisheries Service
Northwest Region

Date: 3/15/04